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10/661,753	09/12/2003	John M. Koegler III	200310760-1	8167

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
3404 E. Harmony Road  
Mail Stop 35  
FORT COLLINS, CO 80528

EXAMINER
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LAMB, CHRISTOPHER RAY

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ELECTRONIC

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ipa.mail@hp.com  
laura.m.clark@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOHN M. KOEGLER, III, ANDREW L. VAN BROCKLIN,  
DARYLE E. ANDERSON and MARK T. MAGUIRE

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Appeal 2009-009945  
Application 10/661,753  
Technology Center 2600

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Before ALLEN R. MacDONALD, CARLA M. KRIVAK and  
THOMAS S. HAHN, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

## STATEMENT OF THE CASE

### *Introduction*

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 2-5, 7-10, 12-15, 17, 20-25, and 33-61. We have jurisdiction under 35 U.S.C. § 6(b).

### *Exemplary Claim(s)*

Exemplary claims 21 and 22 under appeal read as follows:

Claim 21. The method of claim 20, wherein molding disk speed features comprises formation of a saw tooth feature.

Claim 22. The method of claim 20, wherein molding disk speed features comprises formation of areas of substantially circular pits interspersed with area having not pits.

### *Rejections*

The Examiner rejected claims 2, 4, 5, 8, 10, 20, 23-25, 34-38, and 46-61 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Honda (US 2002/0191517 A1), Klein (US 6,145,368), and Satoh (US 5,119,363).

The Examiner rejected claims 3, 7, 12, 14, 15, 17, 22, 33, 39-41, and 43-45 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Honda, Klein, Satoh, and Osborne (US 5,107,107).

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Honda, Klein, Satoh, Osborne, and Bugner (US 6,109,324).

The Examiner rejected claims 13, 21, and 42 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Honda, Klein, Satoh, Osborne, and Nagashima (US 5,670,947).

The Examiner rejected claim 49 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Honda and Klein.

*Appellants' Contentions*

Appellants contend that the Examiner erred in rejecting the claims under 35 U.S.C. § 103(a) for numerous reasons including: (1) the references alone or in combination fail to disclose certain claim limitations, (2) certain references are non-analogous art, (3) use of impermissible hindsight, (4) no showing of the level of skill in the art, (5) teaching away, (6) the combination of the references would result in an inoperative device, and (7) no articulated reason to modify or combine. (App. Br. 7-30).

*Issue on Appeal*

Whether the Examiner has erred in rejecting claims 2-5, 7-10, 12-15, 17, 20-25, and 33-61 as being obvious?

ANALYSIS

We have reviewed the Examiners' rejections in light of Appellants' arguments (Appeal Brief and Reply Brief) that the Examiner has erred.

We disagree with Appellants' conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. We concur with the conclusions reached by the Examiner.

### CONCLUSIONS

- (1) The Examiner has not erred in rejecting claims 2-5, 7-10, 12-15, 17, 20-25, and 33-61 as being unpatentable under 35 U.S.C. § 103(a).
- (2) Claims 2-5, 7-10, 12-15, 17, 20-25, and 33-61 are not patentable.

### DECISION

The Examiner's rejections of claims 2-5, 7-10, 12-15, 17, 20-25, and 33-61 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

### AFFIRMED

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
3404 E. Harmony Road  
Mail Stop 35  
FORT COLLINS CO 80528